

REMARKS

This response is submitted in reply to the Office Action dated September 30, 2005, and in accordance with the telephonic interview courteously granted on December 15, 2005. Claims 1-33 are pending in the patent application. Claims 16-33 were rejected under 35 U.S.C. §103(a). Claims 16, 22 and 28 have been amended herein. Claims 1-15 were previously canceled. No new matter has been added by any of the amendments made herein. This Amendment is submitted with a Request for Continued Examination (“RCE”). A check in the amount of \$790.00 is submitted herewith to cover the cost of the RCE. Please charge Deposit Account No. 02-1818 for any insufficiency or credit. Applicants respectfully submit that the rejections are improper or have been overcome for at least the reasons below.

In the Office Action, claims 16-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent No. 5,276,521 to Mori (“*Mori*”) and U.S. Patent No. 4,454,416 to Gontowski et al. (“*Gontowski*”). The Patent Office relies primarily on *Mori* and further relies on *Gontowski* to cure the deficiencies of *Mori*. Applicants respectfully disagree with and traverse this rejection. However, in the spirit of cooperation and in accordance with the telephonic interview of December 15, 2005, Applicants have amended claims 16, 22 and 28 to clarify the interrelation of elements within and to each pixel. Applicants respectfully submit that the amended claims are distinguishable from *Mori* and *Gantowski* even if properly combinable, and as further indicated by the Examiner in the telephonic interview.

Of the pending claims at issue, claims 16, 22 and 28 are the sole independent claims. Amended independent claims 16 and 22 recite, at least in part a picture processing apparatus including a plurality of pixels having an amplifying portion, a plurality of storing portions, and a load portion, wherein the storing portions are directly connected to the amplifying portion and the load portion. Claims 17-21 and 23-27 depend from claims 16 and 22, and thus, as a matter of law, incorporate each of the features of claims 16 and 22, respectfully. Amended independent claim 28 recites, at least in part, a photographing device for detecting a brightness of an object including: a pixel area in which pixels are arranged in a matrix; a second amplifying area; a pixel-outside storing area in which a plurality of storing portions are arranged in a matrix corresponding to the arrangement of the pixels in the pixel area; and a load portion; wherein the storing portions are directly connected to the second amplifying area and the load portion.

Claims 29-33 depend from claim 28 and thus, as a matter of law, incorporate each of the features of claim 28.

In contrast to the claimed invention, Applicants believe that *Mori* is deficient with respect to at least a number of features of the claimed invention. For example, with regard to claims 16 and 22, *Mori* at least fails to describe a picture processing apparatus including a plurality of pixels each pixel having a plurality of storing portions, where the storing portions are *directly connected to the amplifying portion and the load portion*. With regard to claim 28, *Mori* does not teach or suggest a photographing device including, at least in part, a pixel area in which pixels are arranged in a matrix and a pixel-outside storing area in which a plurality of storing portions are arranged in a matrix corresponding to the arrangement of pixels in the pixel area, where the storing portions are *directly connected to a second amplifying area and a load portion*. Accordingly, *Mori* does not teach or suggest all of the elements of claims 16, 22 and 28 for at least these reasons, as further indicated in the December 15, 2005 telephonic interview.

Furthermore, *Gontowski* does not cure the deficiencies of *Mori*. The Patent Office primarily relies on *Gontowski* for the general teaching of a photo diode and a current mirror amplifier. See, Office Action, pg. 3. Accordingly, *Mori* and *Gontowski* do not disclose the claimed invention, even if properly combinable.

Claims 17-21, 23-27 and 29-33 depend from claims 16, 22 and 28, respectively. Therefore, Applicants respectfully submit that claims 17-21, 23-27 and 29-33 are allowable for at least reasons set forth above with respect to independent claims 16, 22 and 28 because the combination of *Mori* and *Gontowski* does not disclose, teach or suggest the novel elements of claims 17-21, 23-27 and 29-33 in combination with the novel elements of independent claims 16, 22 and 28, respectively. For these reasons, claims 17-21, 23-27 and 29-33 are each patentability distinguished over the combination of *Mori* and *Gontowski* and are in condition for allowance.

Accordingly, in the absence of more pertinent art, Applicants request that the obviousness rejections with respect to claims 16-33 be withdrawn.

In light of the above, Applicants respectfully submit that claims 16-33 in the present application are in condition for allowance and respectfully solicit reconsideration of same.

Respectfully submitted,

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